

2017 Rec'd PCT/PTO 22 JUN 2001

FORM PTO-1390 OFFICE (REV 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK APPLICANT'S DOCKET NUMBER <b>500852000101</b>	
<b>TRANSMITTAL LETTER TO THE UNITED STATES          DESIGNATED/ELECTED OFFICE (DO/EO/US)          CONCERNING A FILING UNDER 35 U.S.C. § 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <div style="font-size: 1.5em; font-weight: bold;">09/869002</div>	
INTERNATIONAL APPLICATION NO. <b>PCT/US99/31230</b>	INTERNATIONAL FILING DATE <b>29 December 1999 (29.12.99)</b>	PRIORITY DATE CLAIMED <b>29 December 1998 (29.12.98)</b>	
TITLE OF INVENTION <div style="text-align: center; font-weight: bold;">HEAT TOLERANT BROCCOLI</div>			
APPLICANT(S) FOR DO/EO/US <div style="text-align: center; font-weight: bold;">BARHAM, Robert and JOYNT, David</div>			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<div style="display: flex;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; margin-right: 10px;">           RECEIVED JUN 20 2001         </div> <div> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))               <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau) (including Request, Description, Claims, Abstract, Drawing)</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the International Application under PCT Article 19 (35 U.S.C. 371(c)(2)).               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (signed).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> </div> </div>			
Items 11. to 19. below concern document(s) or information included:			
<ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</li> <li>14. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210) and cited references.</li> <li>15. <input checked="" type="checkbox"/> A copy of the published International Application.</li> <li>16. <input checked="" type="checkbox"/> A copy of Form PCT/IPEA/402..</li> <li>17. <input checked="" type="checkbox"/> A copy of the Written Opinion (Form PCT/IPEA/408).</li> <li>18. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (Form PCT/IPEA/416).</li> <li>19. <input checked="" type="checkbox"/> Other items or information: Copies of Forms PCT/IB/301, 304, 306, 308; and return receipt postcard.</li> </ol>			
<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</b>			
Express Mail Label No.: EL 568 250 172 US		Date of Deposit: June 22, 2001	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, Attention: United States Designated/Elected Office (DO/EO/US)..			
<div style="font-family: cursive; font-size: 1.2em; margin-bottom: 5px;">Elizabeth A. Reicker</div> Elizabeth A. Reicker			

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 1.5em; font-weight: bold; margin-top: 10px;">09/869002</div>		INTERNATIONAL APPLICATION NO. <b>PCT/US99/31230</b>		ATTORNEY'S DOCKET NUMBER: <b>500852000101</b>	
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1,000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provision of PCT Article 33(1)-(4) .....\$690.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....\$100.00				<b>CALCULATIONS PTO USE ONLY</b>	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$690.00	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ .00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$690.00	
Total claims	28 - 20 =	8	x \$18.00	\$144.00	
Independent claims	4 - 3 =	1	x \$80.00	\$ 80.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$ .00	
TOTAL OF ABOVE CALCULATIONS =				\$914.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$457.00	
SUBTOTAL =				\$457.00	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ .00	
TOTAL NATIONAL FEE =				\$457.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 per property</b>				\$ 40.00	
TOTAL FEES ENCLOSED =				\$497.00	
				Amount to be refunded:	\$*
				charged:	\$*

  

a. ☒ A check in the amount of \$497.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 03-1952 in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 03-1952. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Michael R. Ward, Esq.  
 Morrison & Foerster LLP  
 425 Market Street  
 San Francisco, California 94105-2482

SIGNATURE  
 Michael R. Ward  
 Registration No: 38,651